

## REMARKS

### Invention Election

In the Restriction Requirement mailed November 16, 2005, the Examiner required restriction to one of the following inventions:

- 1-520: Claims 2-4, 6, and 8-11, drawn to a nucleotide encoding a single CD8 alpha-chain chosen from the group consisting of SEQ ID NOS: 1-26 and a single gene of interest of the 20 genes of interest listed in claim 7, classified in class 536, subclass 23.1;
- 521-1041: Claims 13, 14, 16, and 17, drawn to a method of reducing immune response comprising a nucleic acid encoding a CD8 alpha chain chosen from the group consisting of SEQ ID NOS: 1-28 and a single gene of interest of the 20 genes of interest listed in claim 15, classified in class 514, subclass 44;

Applicants elect **invention 1-520, Claims 1-11**, without traverse, for further prosecution. Claims 12-17 are withdrawn. Applicants reserve the right to pursue the subject matter of the non-elected invention at a later date.

In addition, Applicant points out that non-elected process claims 12-17 of invention 521-1041 recite the use of a polynucleotide as recited in product claims 1-11 of invention 1-521. Upon allowance of the product claims, Applicant will request rejoinder of the process claims.

### Species Election for invention 1-521

For invention 1-521, the Examiner has required election of a single SEQ ID NO and a single gene of interest. Applicant elects **SEQ ID NO. 2** and **ornithine carbamoyl transferase**. However, Applicant points out that claims 1, 5, and 7 are linking claims. Upon allowance of the linking claims, Applicant will request consideration of claims to the non-elected species.

The Examiner has also required the election of a single vector. Applicant elects **a recombinant adenovirus**. However, Applicant points out that claims 1 and 8 are generic. Upon allowance of the generic claims, Applicant will request consideration of claims to the non-elected species.

Claim 6 has been amended to correct a typographical error.

Serial No.: 10/804,763  
Filing Date: March 19, 2004

Prompt and favorable consideration of this Response is respectfully requested. Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,  
DORSEY & WHITNEY LLP

Dated: March 16, 2006

**Customer Number: 32940**  
Dorsey & Whitney LLP  
Intellectual Property Department  
555 California Street, Suite 1000  
San Francisco, CA 94104-1513  
Telephone: (415) 781-1989  
Facsimile: (415) 398-3249

By: J. P. Bernhardt  
Jeffery P. Bernhardt, Reg. No. 54,997 for  
Todd A. Lorenz, Reg. No. 39,754